

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  NORTHEAST MISSOURI ELECTRIC POWER COOPERATIVE	DOCKET NO. E-21922
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**ORDER REQUIRING ADDITIONAL INFORMATION**

(Issued October 21, 2008)

On April 8, 2008, Northeast Missouri Electric Power Cooperative (Northeast Missouri) filed a petition with the Utilities Board (Board) for a franchise for an existing 5.48 mile 69 kV electric transmission line in Henry County that connects to a switch station to provide service to rural customers. In a letter accompanying the petition, Northeast Missouri stated the prior franchise for the line (Franchise No. 16493, issued in Docket No. E-20244) was inadvertently allowed to expire on March 15, 2008, without a franchise extension request being filed. The current proceeding for a new franchise is identified as Docket No. E-21922.

The Board's staff requested additional information and identified several deficiencies in the filing by letter dated May 22, 2008. On June 27, 2008, Northeast Missouri filed revisions to its franchise petition and provided additional information.

Iowa Code chapter 478 governs the franchise of electric transmission lines.

Iowa Code § 478.1 provides, in part:

A person shall not construct, erect, maintain, or operate  
a transmission line, wire, or cable which is capable of

operating at an electric voltage of sixty-nine kilovolts or more along, over, or across any public highway or grounds outside of cities for the transmission, distribution, or sale of electric current without first procuring from the utilities division of the department of commerce a franchise granting authority as provided in this chapter.

Iowa Code chapter 478 provides for a wide range of remedies for violation of its provisions, including injunctive relief or possible criminal sanctions. Iowa Code §§ 478.22 and 478.24. These remedies are clearly not appropriate to consider here. In addition, Iowa Code § 478.29 provides that "[a] person who violates a provision of this chapter is subject to civil penalty, which may be levied by the board, of not more than one hundred dollars per violation or one thousand dollars per day for a continuing violation, whichever is greater."

The Board cannot ascertain from the information provided by Northeast Missouri why it failed to file a timely request for extension of franchise. Therefore, Northeast Missouri will be required to submit information in affidavit form detailing why a timely extension request was not made. The affidavit or affidavits should also outline what steps, if any, Northeast Missouri has taken to ensure that it will not allow other transmission line franchises to expire without first filing for an extension. After reviewing the information, the Board will determine what additional steps, if any, should be taken, including the possibility of scheduling a hearing to show cause why civil penalties should not be imposed on Northeast Missouri.

**IT IS THEREFORE ORDERED:**

Northeast Missouri Electric Power Cooperative shall provide the information identified in the body of this order within 20 days from the date of this order.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 21<sup>st</sup> day of October, 2008.